35 U.S.C. 102, the reference must identically describe the invention". It is the position of the Applicant that a rejection of claims 4 - 5 is not within the purview of 35 U.S.C. 102(e) using the reference cited above since it does not cite or suggest the use of a means for scanning the hyperspectral data to find maxima and minima at each measured wavelength; and a means for identifying spatial pixels at which maxima and minima are found as possible basis spectra endmembers.

The Examiner's attention is respectfully directed towards In re Regel, 188 USPQ 136 (CCPA 1975), in which the court expressly held that there must be a basis in the art of record to justify a combination or modification of references to support a rejection under 35 U.S.C. 103. It is the position of the Applicant that the art of record does not teach the invention of claims 4 - 5. None of the references cited teach the use of a means for eliminating spectra with a correlation coefficient above the correlation coefficient threshold; and a means for confirming remaining spectra as endmembers as claimed.

None of the references cited teach the use of the combination of features cited above.

In accordance with Section 714.01 of the M.P.E.P., the following information is presented in the event that a call may be deemed desirable by the Examiner:

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Respectfully submitted,

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